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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/820,582 | 04/07/2004 | Roger A. Sabbadini | 078853-0311 | 8568 |

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BIOTECHNOLOGY LAW GROUP
C/O PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER

TATE, CHRISTOPHER ROBIN

ART UNIT PAPER NUMBER

1655

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Applicant's response with amendments filed 20 May 2005 has been received and entered. Upon further review, an Election of Species requirement is deemed necessary at this time as set forth below.

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

- A. The three distinct diseases/disorders being treated
(see, e.g., claims 13-15).
- B. The various distinct agents that bind a sphingolipid or sphingolipid metabolite
(see, e.g., claims 2-4).
- C. The various distinct sphingolipids or sphingolipid metabolites
(see, e.g., claims 5-7).
- D. The various distinct binding receptors
(see, e.g., claims 8-12).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species (i.e., elect a particular disease or disorder from among the three instantly claimed, elect an agent from among those instantly claimed, elect a particular sphingolipid or sphingolipid metabolite from among those instantly claimed, and elect a particular binding receptor from among those instantly claimed - including a particular SEQ ID NO if either rat Edge-3 or SCaMPER is elected as the receptor) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Art Unit: 1655

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Please note that the examiner assigned to the instant application has changed. Accordingly, any inquiry concerning this communication or earlier communications should be directed to examiner Christopher R. Tate whose telephone number is (571) 272-0970. The examiner can normally be reached on Mon-Thur, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on (571) 272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1655

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'C. Tate', with a horizontal line extending to the right.

Christopher R. Tate
Primary Examiner
Art Unit 1655